DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al., Patent

#6,333,973.

Regarding claim 1, Smith teaches a method of notifying a subscriber of a

plurality of message services of a message, which comprises:

indicating, with each of the plurality of message services, to a common

notification server a presence of a new message for the subscriber on the respective

message service*(Fig.7A/7B and col.3 lines 50-54);*

selecting, by the subscriber, at least one terminal from a plurality of terminals of the message

services *(Fig.7A/7B, Fig.11; a plurality of terminals of message services is shown on the*

phone); and

transmitting a notification, with the notification server, to the at least one selected terminal,

in contrast to transmitting the new message, the transmitted notification indicating that a new

message is present and in which message service the new message is present *(Fig.10 and Fig.11,*

col.4 lines 1-3 and col.8 lines 40-45; a notification message is sent to a terminal selected by the

subscriber).

Regarding claim 2, Smith teaches the method according to claim 1, which comprises, if a

message service indicates the presence of a new message, storing with the notification server the data originating from the message service, until the respective notification has been transmitted successfully(col.4 lines 50-56).

Regarding claim 3, Smith teaches the method according to claim 1, wherein the transmitting step comprises transmitting with the notification server the notification to all terminals of the subscriber(col.3 lines 50-54).

Regarding claim 4, Smith teaches the method according to claim 1, wherein the transmitting step comprises transmitting with the notification server the notification to at least one terminal selected by the subscriber from a plurality of terminals (col.10 lines 30-37).

Regarding claim 5, Smith teaches the method according to claim 4, wherein the subscriber selects the terminal by transmitting a control information item from the respective terminal to the notification server (col.10 lines 30-37).

Regarding claim 6, Smith teaches the method according to claim 1, which comprises transmitting with each message service a message header information item to the notification server when a new message is present, and transmitting the message header information with the notification server at least partially to the at least one terminal selected, at least partially, to output the message header information (col.8 lines 36-45).

Regarding claim 7, Smith teaches the method according to claim 1, which comprises, in response to a request by the notification server, transmitting with each message service a message header information item to the notification server, and transmitting at least partially the message header information item with the notification server to the at least one terminal selected to output the message header information(col.8 lines 36-45).

Regarding claim 8, Smith teaches the method according to claim 1, which comprises, in response to a subscriber request from any terminal, firstly performing an authorization check with

the notification server and then transmitting the notifications present to the terminal (col.10 lines 8-15 and lines 50-56).

Regarding claim 9, Smith teaches the method according to claim 1, which comprises processing with the notification server the data originating from the message services for generating the notifications transmitted to the subscriber(col.10 lines 5-10 and 18-25).

Regarding claim 10, Smith teaches the method according to claim 9, wherein the processing step comprises selecting one or more processes from the group consisting filtering, ordering, and formatting the data (col.10 lines 48-56).

Regarding claim 11, Smith teaches the method according to claim 1, wherein the transmitting step comprises transmitting the notifications by means of a signaling operation to the at least one terminal of the subscriber (Fig.1-the signaling path from label 11 through 1800 to 1200).

Regarding claim 12, Smith teaches the method according to claim 1, wherein the transmitting step comprises transmitting the notifications by means of a call set-up to the at least one terminal of the subscriber (1300 Fig.1 and col.4 lines 15-24).

Regarding claim 13, Smith teaches the method according to claim 1, wherein the transmitting step further comprises transmitting only a notification to the at least one previously selected terminal*(Fig.10 and Fig.11,* col.4 *lines 1-3 and* col.8 lines *40-45; a notification* message is sent to a *terminal* selected *by the subscriber).*

Regarding claim 14, Smith teaches the method according to claim 1, wherein the transmitting step further comprises transmitting a notification only indicating that a new message is present and in which message service the new message is present(Fig.10 and Fig.11, col.4 lines 1-3 and col.8 lines 40-45).

Response to Arguments

2.   Applicant's arguments filed 05/27/2008 have been fully considered but they are not

persuasive. In response to Applicant's arguments regarding the prior art of record, Smith, see the

Board of Patent Appeals and Interferences decision on 03/25/2008.

3.   It is also noted that the addition of the term "the" was also considered in the Examiner's

Answer and reflected in the decision. The term does not raise new issues nor changes the scope

of the claims and therefore this action made final is warranted.

Continued Examination Under 37 CFR 1.114

4.   All claims are drawn to the same invention claimed in the application prior to the entry of

the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art

of record in the next Office action if they had been entered in the application prior to entry under

37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action

after the filing of a request for continued examination and the submission under 37 CFR 1.114.

See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph T Phan/

/Curtis Kuntz/
Supervisory Patent Examiner, Art Unit 2614